

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 95

Short Title: Tribal Alcoholic Beverage Control. (Public)

Sponsors: Representatives West and Hager (Primary Sponsors).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Alcoholic Beverage Control, if favorable, Finance.

February 23, 2015

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE EASTERN BAND OF CHEROKEE INDIANS TRIBAL ALCOHOLIC BEVERAGE CONTROL COMMISSION TO ISSUE WINE SHIPPER PERMITS AND COMMERCIAL ABC PERMITS AND TO CLARIFY THAT THE EASTERN BAND OF CHEROKEE INDIANS TRIBAL ALCOHOLIC BEVERAGE CONTROL COMMISSION MAINTAINS EXCLUSIVE AUTHORITY TO ISSUE CERTAIN PERMITS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 18B-112 reads as rewritten:

"§ 18B-112. Tribal alcoholic beverage control.

...

(b) Compliance Required. – The Eastern Band of Cherokee Indians shall comply with the following provisions of this Chapter to the extent they apply to or can be made applicable to the tribe:

(1) The following provisions of Article 1. – General Provisions.

- a. G.S. 18B-101(4), (7), (7c), (9), (10), (11), (12), (12a), (13), (14)(14a), (14b), and (15).
- b. G.S. 18B-102.1.
- c. G.S. 18B-104.
- d. G.S. 18B-105, except that this section shall not apply to any establishment where gaming is permitted under a State compact and pursuant to federal law.
- e. G.S. 18B-109(b).
- f. G.S. 18B-110.
- g. G.S. 18B-111.
- h. G.S. 18B-112.

(2) Article 1A. – Compensation for Injury Caused by Sales to Underage Persons, to the extent it applies to retail establishments or the tribal alcoholic beverage control commission if it operates ABC stores, or any other permitted establishment, at retail pursuant to the provisions of this section.

(3) Article 3. – Sale, Possession, and Consumption, except for G.S. 18B-308 and G.S. 18B-309.

(4) Article 4. – Transportation.

(5) Article 5. – Enforcement, except for G.S. 18B-500 and G.S. 18B-501.



- 1 (6) Article 6. – Elections, compliance with only G.S. 18B-603(f) and (g) are
- 2 required.
- 3 (7) Article 9. – Issuance of Permits, except for G.S. 18B-902(g) and (h) and
- 4 G.S. 18B-906.
- 5 ~~(7)(8)~~ Article 10. – Retail Activity, except for G.S. 18B-1001.1, 18B-1001.2, and
- 6 ~~18B-1001.3.~~Activity.
- 7 (9) Article 11. – Commercial Activity.

8 Any provision of Articles 12 and 13 of this Chapter which has not been made applicable to
 9 the Eastern Band of Cherokee Indians by this section shall act as a bar to engaging in any
 10 activity authorized by that Article or section.

11 ...

12 (d) Establishment of a Tribal Commission. – In accordance with the provisions of 18
 13 U.S.C. § 1161, the Eastern Band of Cherokee Indians is authorized to establish a tribal
 14 alcoholic beverage control commission to regulate the purchase, possession, consumption, sale,
 15 and delivery of alcoholic beverages ~~at retail~~ on any land designated as Indian Country pursuant
 16 to 18 U.S.C. § 1151 under the jurisdiction of the Eastern Band of Cherokee Indians. The tribal
 17 commission shall have exclusive authority to issue ~~retail~~ABC permits to retail and commercial
 18 establishments located wholly on Indian Country lands under the jurisdiction of the Eastern
 19 Band of Cherokee Indians and to regulate the purchase, possession, consumption, sale, and
 20 delivery of alcoholic beverages at ~~retail~~permitted outlets and premises. Permits issued by the
 21 tribal commission pursuant to this section shall be deemed issued by the State for the purposes
 22 of sales and delivery of beer and wine by wholesalers to the retail outlets located on Indian
 23 Country lands. The fees generated by the tribal alcoholic beverage control commission for the
 24 issuance of retail permits may be retained by the Eastern Band of Cherokee Indians to offset
 25 costs of operating the tribal alcoholic beverage control commission.

26 "

27 **SECTION 2.** G.S. 18B-101(14a) reads as rewritten:

28 "(14a) "Tourism ABC establishment" means a restaurant or hotel that meets both of
 29 the following requirements:

- 30 a. Is located on property, a property line of which is located within 1.5
- 31 miles of the end of an entrance or exit ramp of a junction on a
- 32 national scenic parkway designed to attract local, State, national, and
- 33 international tourists between the State line and Milepost ~~460-460,~~
- 34 provided that the Eastern Band of Cherokee Indians tribal alcoholic
- 35 beverage control commission established under G.S. 18B-112 shall
- 36 maintain exclusive authority to issue permits pursuant to this
- 37 subdivision between Milepost 460 and the southern terminus of the
- 38 national scenic byway at Milepost 469.
- 39 b. Is located in a county in which the on-premises or off-premises sale
- 40 of malt beverages or unfortified wine is authorized in at least one
- 41 city."

42 **SECTION 3.** This act is effective when it becomes law.